

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 12, 1999

LB 271

helped lay out what it is that a payment in lieu of tax is...defines it. It says, the payment in lieu of taxes shall be based on the proportionate share of the cost of providing public safety...police, fire...rescue, and emergency services, and road or street construction or maintenance services. So make that safety...which I would interpret as police and fire...rescue, emergency services, and road or street construction or maintenance...both building and, in this case, cleaning the roads and whatever...and maintenance services, unless a general policy is adopted by the governing board of the governmental subdivision providing such services which provides for a different method. The answer is, take a look at your budget, figure out how much goes to police, how much goes to the cops, how much goes to the road building, how much goes to street maintenance. Take a look at that; that's the payment in lieu of tax, unless the county wishes to identify for itself a different way of determining a payment in lieu of tax.

SENATOR VRTISKA: Okay. That's why...that's the point I wanted to get to. In fact, then, a county on its own could in fact determine how they wanted to set that up. They could include the cost of running the court, the natural resources district, and other issues that are not involved in what you described. Is that correct?

SENATOR LANDIS: Yes, with this caveat, just to carry it a little bit further. They would have to adopt a method. They couldn't change the method depending on who came to them with what parcel of land, because it does say, unless a general policy...across the board...is adopted by the governing body of the governmental subdivision providing the amount of the payment in lieu of taxes. The governing body may adopt a general policy by ordinance or resolution for determining the amount of payment in lieu of taxes by a majority vote.

SENATOR VRTISKA: Well, I want to get to the bottom of that whole issue then. What you're telling me is that that county can adopt a different policy in a different county based on what they consider a general policy that the county would...could adopt by resolution? Is that correct? Could they include the school district, the NRDs, anybody that they wanted to in setting up a general policy?